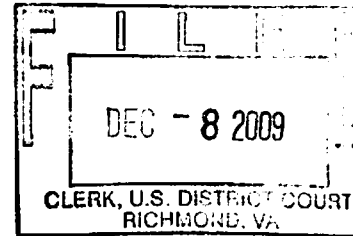


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



JAMES S. LESANE,

Petitioner,

v.

Civil Action No. **3:09CV117**

PAMELA COLEMAN, et al.,

Respondents.

MEMORANDUM OPINION

Petitioner, a federal inmate, has submitted this “MOTION FOR TWO ‘WRITS OF MANDAMUS’” directed to the judges on the Circuit Courts for the Counties of Spotsylvania and Richmond. (Mot. for Writs of Mandamus 1.) The Court construes the action to be a petition for a writ of mandamus. The Court has granted Petitioner leave to proceed *in forma pauperis*. This Court must dismiss any action filed by a prisoner if the Court determines the action (1) “is frivolous” or (2) “fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2); *see* 28 U.S.C. § 1915A. The first standard includes claims based upon “an indisputably meritless legal theory,” or claims where the “factual contentions are clearly baseless.” *Clay v. Yates*, 809 F. Supp. 417, 427 (E.D. Va. 1992) (*quoting Neitzke v. Williams*, 490 U.S. 319, 327 (1989)). The second standard is the familiar standard for a motion to dismiss under Fed. R. Civ. P. 12(b)(6).

This federal court lacks jurisdiction to grant mandamus relief against state officials or state agencies. *See Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 587 (4th Cir. 1969). Thus, Petitioner’s petition for a writ of mandamus fails to state a claim and is legally

frivolous. Accordingly, the action will be DISMISSED. The Clerk will be DIRECTED to note the disposition of the action for purposes of 28 U.S.C. § 1915(g).

An appropriate Order shall issue.

Date: DEC 2009
Richmond, Virginia

/s/
Richard L. Williams
United States District Judge

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Richard L. Williams
United States District Judge